



JCO6 Rec'd PCT/PTO 15 SEP 2005  
PATENT  
Atty. Docket No. 2892US (203-3506PCTUS)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Frank J. Viola

SERIAL NO.: 10/529,568

GROUP: Art Unit - not yet assigned

FILED: March 28, 2005

DATED: September 13, 2005

FOR: **TOOL ASSEMBLY FOR SURGICAL STAPLING DEVICE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner. Copies of the foreign references are attached hereto.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art.

The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 13, 2005.

Dated: September 13, 2005

Christopher G. Trainor  
Christopher G. Trainor

The following non-English foreign references were cited for the following reasons:

French publication no. 2681775 was cited to illustrate an endoscopic instrument having an articulatable tool assembly. See FIG. 6.

French publication no. 2,542,188 was cited to illustrate a surgical stapling device including a cartridge 19 and an anvil 20. See FIG. 1.

German publication no. 4,213,426 was cited to show an endoscopic surgical instrument including a remotely controlled tool assembly.

German publication no. 4,300,307 was cited to show an endoscopic instrument having an articulating remotely controlled tool assembly.

European publication no. 0369324 was cited to show an endoscopic surgical instrument having a pair of remotely controlled jaws. See FIG. 1.

USSR publication nos. 659146 and 728848 were cited to illustrate surgical stapling devices having a cartridge assembly and an anvil assembly.

USSR publication nos. 980703 and 990220 were cited to show endoscopic devices having an articulating remotely controlled tool member.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.

The claims of this application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,

*Christopher G. Trainor*

Christopher G. Trainor  
Reg. No. 39,517  
Attorney for Applicants

CARTER, DELUCA, FARRELL &  
SCHMIDT, LLP  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Tel (631) 501-5700  
Fax (631) 501-3526

**Correspondence Address:**

**Mark Farber, Esq.**  
**U.S. Surgical, a Division of**  
**Tyco Healthcare Group, LP**  
**150 Glover Avenue**  
**Norwalk, CT 06856**  
**Tel: (203) 845-1000/Fax: (203) 845-5988**



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/529,568
Filing Date	March 28, 2005
First Named Inventor	Frank J. Viola
Art Unit	Unassigned
Examiner Name	
Attorney Docket Number	2862US (203-3506PCTUS)

Sheet 1 of 17

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-6,905,057	06/14/2005	Swayze et al.	
		US-6,889,116	05/03/2005	Jinno	
		US-6,879,880	04/12/2005	Nowlin et al.	
		US-6,877,647	04/12/2005	Green et al.	
		US-6,843,403	01/18/2005	Whitman	
		US-6,835,119	12/28/2004	Hori	
		US-6,830,174	12/14/2004	Hillstead et al.	
		US-6,808,262	10/26/2004	Chapoy et al.	
		US-6,786,382	09/07/2004	Hoffman	
		US-6,783,524	08/31/2004	Anderson et al.	
		US-6,755,338	06/29/2004	Hahnen et al.	
		US-6,731,473	05/04/2004	Li et al.	
		US-6,722,552	04/20/2004	Fenton, Jr.	
		US-6,716,232	04/06/2004	Vidal et al.	
		US-6,698,643	03/02/2004	Whitman	
		US-6,669,073	12/30/2003	Milliman et al.	
		US-6,656,193	12/02/2003	Grant et al.	
		US-6,644,532	11/11/2003	Green et al.	

**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		France 2681775	10/1991			
		France 2542188	9/1984			
		Germany 4213426	10/1992			
		Germany 4300307	7/1994			
		EPO 0369324	5/1990			

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		US-6,619,529	09/16/2003	Green et al.	
		US-6,612,053	09/02/2003	Liao	
		US-6,602,252	08/05/2003	Mollenauer	
		US-6,594,552	07/15/2003	Nowlin et al.	
		US-6,592,597	07/15/2003	Grant et al.	
		US-6,587,750	07/01/2003	Gerbi et al.	
		US-6,565,554	05/20/2003	Niemeyer	
		US-6,554,844	04/29/2003	Lee et al.	
		US-6,544,274	04/08/2003	Danitz et al.	
		US-6,505,768	01/14/2003	Whitman	
		US-6,503,257	01/07/2003	Grant et al.	
		US-6,488,196	12/03/2002	Fenton, Jr.	
		US-6,463,623	10/15/2002	Ahn et al.	
		US-6,443,973	09/03/2002	Whitman	
		US-6,439,446	08/27/2002	Perry et al.	
		US-6,436,097	08/20/2002	Nardella	
		US-6,330,965	12/18/2001	Milliman et al.	
		US-6,325,810	12/04/2001	Hamilton et al.	

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		USSR 659146	4/1979			
		USSR 728848	5/1977			
		Russian Federation 980703	12/1982			
		Russian Federation 990220	1/1983			
		EPO 0552423	7/1993			

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		US-6,315,184	11/13/2001	Whitman	
		US-6,315,183	11/13/2001	Piraka	
		US-6,279,809	08/28/2001	Nicolo	
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		US-6,264,087	07/24/2001	Whitman	
		US-6,264,086	07/24/2001	McGuckin, Jr.	
		US-6,250,532	06/26/2001	Green et al.	
		US-6,241,139	06/05/2001	Milliman et al.	
		US-6,202,914	03/20/2001	Geiste et al.	
		US-6,197,017	03/06/2001	Brock et al.	
		US-6,010,054	01/04/2000	Johnson et al.	
		US-6,109,500	08/29/2000	Alli et al.	
		US-6,079,606	06/27/2000	Milliman et al.	
		US-6,032,849	03/07/2000	Mastri et al.	
		US-6,004,335	12/21/1999	Vaitekunas et al.	
		US-5,980,510	11/09/1999	Tsonton et al.	
		US-5,954,259	09/21/1999	Viola et al.	
		US-5,922,001	07/13/1999	Yoon	

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		EPO 0598579	5/1994			
		EPO 0621006	10/1994			
		United Kingdom 2048685	12/1980			
		United Kingdom 2165559	4/1986			
		United Kingdom 1452185	10/1976			

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		Number-Kind Code <sup>2</sup> (if known)			
		US-5,919,198	07/06/199	Graves, Jr. et al.	
		US-5,918,791	07/06/1999	Sorrentino et al.	
		US-5,911,353	06/15/1999	Bolanos et al.	
		US-5,901,895	05/11/1999	Heaton et al.	
		US-5,897,562	04/27/1999	Bolanos et al.	
		US-5,873,873	02/23/1999	Smith et al.	
		US-5,871,135	02/16/1999	Williamson IV et al.	
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		US-5,836,147	11/17/1998	Schnipke	
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		US-5,829,662	11/03/1998	Allen et al.	
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		US-5,814,055	09/29/1998	Knodel et al.	

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		WIPO 9308754	5/1993			
		WIPO 9314706	8/1993			
		EPO 0589306	3/1994			
		EPO 0136950	4/1985			
		EPO 0220029	4/1987			

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		US-5,810,855	09/22/1998	Rayburn et al.	
		US-5,810,811	09/22/1998	Yates et al.	
		US-5,797,538	08/25/1998	Heaton et al.	
		US-5,797,537	08/25/1998	Oberlin et al.	
		US-5,797,536	08/25/1998	Smith et al.	
		US-5,782,834	07/21/1998	Lucey et al.	
		US-5,782,397	07/21/1998	Koukline	
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		US-5,779,132	07/14/1998	Knodel et al.	
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		US-5,772,673	06/30/1998	Cuny et al.	
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		US-5,762,255	06/09/1998	Chrisman et al.	
		US-5,752,644	05/19/1998	Bolanos et al.	
		US-5,749,893	05/12/1998	Vidal et al.	
		US-5,743,456	04/28/1998	Jones et al.	

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		EPO 0591946	4/1994			
		EPO 0592243	4/1994			
		EPO 0621009	10/1994			
		EPO 0656188	6/1995			
		EPO 0213817	11/1987			

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		US-5,728,110	03/17/1998	Vidal et al.	
		US-5,725,554	03/10/1998	Simon et al.	
		US-5,725,536	03/10/1998	Oberlin et al.	
		US-5,716,366	02/10/1998	Yates	
		US-5,713,505	02/03/1998	Huitema	
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		US-5,697,542	12/16/1997	Knodel et al.	
		US-5,692,668	12/02/1997	Schulze et al.	
		US-5,690,269	11/25/1997	Bolanos et al.	
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		US-5,680,981	10/28/1997	Mililli et al.	
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		US-5,673,842	10/07/1997	Bittner et al.	
		US-5,673,841	10/07/1997	Schulze et al.	
		US-5,673,840	10/07/1997	Schulze et al.	

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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EPO 0273468	7/1988			
		EPO 0324638	7/1989			
		EPO 0373762	6/1990			
		EPO 0380025	8/1990			
		EPO 0449394	10/1991			

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/529,568
Filing Date	March 28, 2005
First Named Inventor	Frank J. Viola
Art Unit	Unassigned
Examiner Name	
Attorney Docket Number	2862US (203-3506PCTUS)

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**U.S. PATENT DOCUMENTS**

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		Number-Kind Code <sup>2</sup> (if known)			
		US-5,669,544	09/23/1997	Schulze et al.	
		US-5,667,517	09/16/1997	Hooven	
		US-5,662,666	09/02/1997	Onuki et al.	
		US-5,662,662	09/02/1997	Bishop et al.	
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		US-5,662,258	09/02/1997	Knodel et al.	
		US-5,658,300	08/19/1997	Bito et al.	
		US-5,657,921	08/19/1997	Young et al.	
		US-5,655,698	08/12/1997	Yoon	
		US-5,653,721	08/05/1997	Knodel et al.	
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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EPO 0484677	5/1992			
		EPO 0489436	6/1992			
		EPO 0503662	9/1992			
		EPO 0514139	11/1992			
		EPO 0537572	4/1993			

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First Named Inventor	Frank J. Viola
Art Unit	Unassigned
Examiner Name	
Attorney Docket Number	2862US (203-3506PCTUS)

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		US-5,630,540	05/20/1997	Blewett	
		US-5,630,539	05/20/1997	Plyley et al.	
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		US-5,597,107	01/28/1997	Knodel et al.	
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		United Kingdom 2141066	12/1984	United Kingdom		
		WIPO WO9210976	7/1992	WIPO		
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		EPO 0324637	7/1989	EPO		
		EPO 0041022	12/1981	EPO		

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Application Number	10/529,568
Filing Date	March 28, 2005
First Named Inventor	Frank J. Viola
Art Unit	Unassigned
Examiner Name	
Attorney Docket Number	2862US (203-3506PCTUS)

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		EPO 0324166	7/1989			
		EPO 0539762	5/1993			
		EPO 0545029	6/1993			
		EPO 0579038	1/1994			
		EPO 0598202	5/1994			

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First Named Inventor	Frank J. Viola
Art Unit	Unassigned
Examiner Name	
Attorney Docket Number	2862US (203-3506PCTUS)

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		US-5,489,058	02/06/1996	Plyley et al.	
		US-5,487,500	01/30/1996	Knodel et al.	
		US-5,487,499	01/30/1996	Sorrentino et al.	
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		EPO 0365153	8/1995			
		United Kingdom 1555455	11/1979			
		United Kingdom 2070499	9/1981			
		United Kingdom 1352554	4/1971			
		EPO 0373762	6/1990			

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Art Unit	Unassigned
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		US-5,456,401	10/10/1995	Green et al.	
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		US-5,397,046	03/14/1995	Savage et al.	
		US-5,395,034	03/07/1995	Allen et al.	
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		EPO 0705571	04/1996			
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		EPO 0324635	07/1989			

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		US-5,382,255	01/17/1995	Castro et al.	
		US-5,381,943	01/17/1995	Allen et al.	
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		WO 89/10094	11/1989			
		EPO 0156774	10/1985			
		EPO 0216532	4/1987			

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First Named Inventor	Frank J. Viola
Art Unit	Unassigned
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Art Unit	Unassigned
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